

SERVICE DATE – DECEMBER 17, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 33 (Sub-No. 327X)

UNION PACIFIC RAILROAD COMPANY—ABANDONMENT AND DISCONTINUANCE
OF SERVICE EXEMPTION—IN CERRO GORDO COUNTY, IOWA

Decided: December 14, 2018

Union Pacific Railroad Company (UP) filed a verified notice of exemption under 49 C.F.R. § 1152 subpart F—Exempt Abandonments and Discontinuances of Service for UP to: (1) abandon a 2.0-mile portion of UP’s Rockwell Industrial Lead in Mason City, Iowa, between milepost 155.5 near Elm Street and milepost 157.5 near 19th Street; and (2) discontinue service over a 0.5-mile portion of UP’s Rockwell Industrial Lead near Swifts, Iowa, between milepost 157.5 and milepost 158.0, near Swifts, Iowa (the Line). Notice of the exemption was served and published in the Federal Register on November 1, 2017 (82 Fed. Reg. 50,729). The exemption became effective on December 1, 2017.

By decision served on November 29, 2017, the Board imposed several conditions, including a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, which requires UP to (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places (National Register) until the Section 106 process of the NHPA has been completed; (b) report back to OEA regarding any consultations with the Iowa State Historic Preservation Office (SHPO) and the public; and (c) not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

In a Supplemental Final Environmental Analysis dated November 16, 2018, the Board’s Office of Environmental Analysis (OEA) states that UP provided the SHPO with previously undisclosed salvage-related information, including information concerning the removal of rails and other track material from the road bed and bridge decks, and grading of the road bed. OEA further states that the SHPO concluded that two railroad bridges on the Line, the Willow Creek and State Street bridges, appear to meet the National Register criteria and would be eligible for listing in the National Register. According to OEA, the SHPO concluded that the proposed abandonment would have no adverse effect on properties eligible for listing in the National Register if conditioned to provide that track and tie removal “should be done in a manner that ensures no, to minimal[,] damage” to the two eligible bridges.

Based on this comment, OEA has determined, pursuant to the Section 106 regulations of the NHPA, and following consultation with the SHPO and the public, that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register, subject to the condition that track and tie removal should be done in a manner that ensures no, to minimal, damage to the Willow Creek and State Street railroad bridges. OEA therefore recommends that the Board reopen the proceeding, remove the Section 106 condition in its November 29, 2017 decision, and replace it with the condition that, during any salvage activities, UP shall: (a) remove track ties in a manner that ensures no, to minimal, damage to the two bridges eligible for listing in the National Register (i.e., Willow Creek and State Street railroad bridges); (b) inform OEA regarding compliance with this condition; and (c) not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.

Accordingly, based on OEA's recommendation, this proceeding will be reopened and the previously imposed Section 106 historic preservation condition will be removed and replaced with the revised Section 106 condition described above.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the November 29, 2017 decision is removed and replaced with the condition that, during any salvage activities, UP shall: (a) remove track ties in a manner that ensures no, to minimal, damage to the Willow Creek and State Street railroad bridges; (b) inform OEA regarding compliance with this condition; and (c) not file its consummation notice until the Section 106 process has been completed and the Board has removed this condition.
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.